

EXHIBIT J

From: nissen.leif@gmail.com [mailto:nissen.leif@gmail.com] **On Behalf Of** Leif Nissen
Sent: Wednesday, August 01, 2007 7:57 PM
To: Agovino, Eric
Subject: Re: CEASE AND DESIST

Eric,

I had this domain before the product Lexapro.com <<http://lexapro.com/>> even existed. I chose to take down the site later and put it up on a parked.com <<http://parked.com/>> account. They choose what ads show up on the site. I have also had recent interest from other companies, some offshore to purchase the domain from me.

I do, however, understand your situation and I'm willing to sell you the domain for \$10,000.

Leif

On 8/1/07, **Agovino, Eric** <Eric.Agovino@frx.com> wrote:

Dear Mr. Nissen:

Attached is a cease and desist letter relating to the domain name WWW.LEXIPRO.COM <<http://WWW.LEXIPRO.COM>> from Dr. Charles Ryan, Chief Intellectual Property Counsel at Forest Laboratories, Inc.

Sincerely,

Eric M. Agovino
Patent Counsel
Forest Laboratories, Inc.
909 Third Avenue
New York, New York 10022
212.224.6925 (p)

212.750.9152 (f)

eric.agovino@frx.com <<mailto:eric.agovino@frx.com>>

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EXHIBIT K

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FOREST LABORATORIES, INC.,

Plaintiff,

- against -

LEIF NISSEN,

Defendant.

Index No. 07 CV 7399

AFFIDAVIT OF SIGMUND SOLARES

[illegible]

I, SIGMUND SOLARES, affirm the following facts under penalty of perjury:

1. I am the Chief Executive Officer of a company called Parked.com, LLC (“Parked”). Parked is an on-line advertising business that services owners of domain names.
2. In particular, once a domain name owner creates an account with Parked, he can place domain names in our system. Parked will either choose keywords for the customer or the customer can choose a primary keyword and the Parked system will choose related key words. Parked will then send these results to the major search engines.
3. Various advertisers bid on keywords with the search engine companies and the advertisers are ranked based on the highest bidder and the click through rate for the ad.

4. Based on the results of the bidding process, Parked works with the search engine companies to place relevant advertising on the web site associated with the domain name. Internet user view the related advertising and frequently click on the advertising which is placed on the domain name. The domain name owner obtains revenue from clicks that are verified as legitimate clicks by the search engine. Internet sites like "lexipro.com" are referred to as "pay-per-click" sites.

5. On May 23, 2007, Mr. Leif Nissen signed up for an account at Parked and added the domain name "lexipro.com" to the system. Attached as Exhibit A is a true and correct copy of Ms. Nissen's registration information.

6. On or about May 23, 2007, the account holder for lexipro.com logged on the account and set the domain name "lexipro.com" to the keyword "depression." A true and correct copy of a "screen capture" from the customer account page for "lexipro.com" is attached hereto as Exhibit B.

7. As a result of setting the domain name to the keyword "depression" the Parked.com system automatically determined that the related keywords should include: "Depression, Lexapro, Depression Symptoms, Celexa, Anxiety Attack, Panic Disorder, Manic Depression, Depression Treatment, Clinical Depression, Postpartum Depression, Anxiety Depression, Depression Information, Depression Medication, Depression And Anxiety, and Depression Help."

8. The domain name "lexipro.com" included advertisements related to depression including links to advertising by advertisers who bid on any of the related keyword phrases: Depression, Lexapro, Depression Symptoms, Celexa, Anxiety Attack, Panic Disorder, Manic Depression, Depression Treatment, Clinical Depression,


Postpartum Depression, Anxiety Depression, Depression Information, Depression Medication, Depression And Anxiety, and Depression Help.

9. In this particular instance, the search engine in question placed advertisements on the lexipro.com site based on advertisers who bid on the word "lexipro."

10. From May 23, 2007 until the domain name was shut down in August 2007, the domain name lexipro.com had 1,410 visitors with 1,243 verified clicks on advertised links.

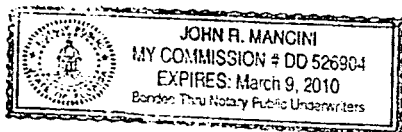
11. Attached as Exhibit C is a page from the "lexipro.com" site, which shows the particular advertisers that were generated as a result of the bidding process on "lexipro", the keyword "depression" chosen by Mr. Nissen, and the related keywords generated from the Parked automated system.

Signed at TAMPA, FLORIDA, this 27 day of August, 2007.


Sigmund Solares

Sworn before me on this
27 day of Aug, 2007


Notary Public



EX. A

Exhibit A[Home](#)[Support](#)[Manager](#)[MyAdmin](#)[Designer](#)[Template](#)[Category](#)[Accounting](#)[Logout](#)[Trouble Ticket System](#)[Signup System](#)[Search](#)[FAQ](#)[MyDNS](#)[Newsletter](#)[Parked News](#)[Live Support](#)**Signup Detail - Inissen [47727]****Contact**Username / Password: Inissen / l31f3r [view parked account](#)Queue Stats: **Passed** [Update](#)

Name: Leif Nissen

Address 1: 7800 1st st N

Address 2:

City: St Petersburg

State: FL

Postal Code: 33702

Country: US

Email: leif@properhosting.com

Phone: 727-526-2568

Remote Address: [72.185.78.66](#) [detect proxy](#)

Signup Flash Cookie:

Signup Date: 2007-05-23 12:09:49

Number of Domains: 25

Domains: lexipro.com
bamboopage.com
bigzazoo.com
briefcasesdirect.com
broadbandapex.com
buyermagnet.com
bussinessmisc.com
cameraslink.com
carrentalagents.com
chesssetonline.com
cozylamps.com

Signup Score - Passed

Signup v2

Nope (bamboopage.com)

Nope (bigzazoo.com)

Nope (briefcasesdirect.com)

Nope (broadbandapex.com)

Nope (bussinessmisc.com)

Nope (cameraslink.com)

Initial points: 0

Dig adjustment (5)

ISP NAME: ROAD RUNNER HOLDCO LLC

LOCATION: HERNDON, VIRGINIA, US

REAL COUNTRY: US

Happy: 5 25, US

Living in the right place (8)

Zip Code 33702 location: Saint Petersburg, FL

Trustworthy (8)

Number matching emails: 0

Number duplicate passwords: 0

REMOTE_ADDR found 0 times on google

Total score (8)

Minimum (5)

[Search](#)

-- The Parked Desktop --

EX. B



Account: Inissen | Help | Logout

Dashboard

Portfolios

Reports

Account Information

Referrals

Help

Portfolio Manager

Mass Modify

Add Domains

Domain Detail for lexipro.com

Appearance

Domain: lexipro.com [reset domain](#)

Our system picks Keyword and Template when domain is reset.

Domain Title: lexipro.com [edit](#)

Domain Split: depression

Keyword: depression [edit keyword](#)

This keyword is manually hardcoded. Reset domain to remove.

Categories: Lexapro

Effexor

Wellbutrin

Generalized Anxiety

Online Prescription

Depression Symptoms

Dealing With Depression

Seasonal Affective Disorder

Depression Support

Treating

Celoxa

Remeron

Wellbutrin Sr

Aciphex

Dosage

Related Words: Depression

Depression Symptoms

Anxiety Attack

Manic Depression

Clinical Depression

Anxiety Depression

Depression Medication

Depression Help

Lexapro

Celoxa

Panic Disorder

Depression Treatment

Postpartum Depression

Depression Information

Depression And Anxiety

Removed: No removed keywords

Keywords: [edit removed keywords](#)

These are the matching templates and colors for the keyword "depression"

Template: Depression

[Search](#)

Color: Blue Thunder

☐ ☐ ☐

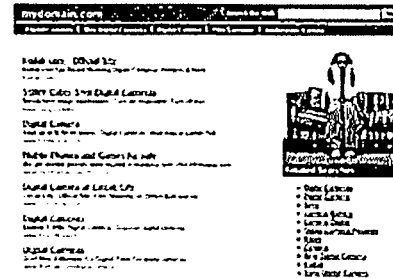
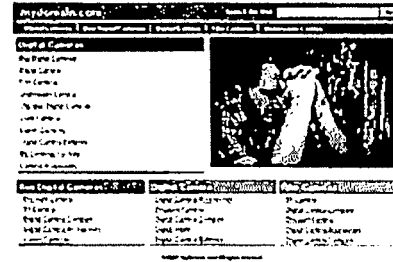
If you encounter any problems with the Customize Template feature, please [contact support](#)

[Preview Template](#)

[Customize Template](#)

[Save Changes](#)

[Reset](#)



Thumbnail is preview of template, lexipro.com may have different colors and terms.

Advanced Options

Alternate Traffic Destination

We want to make sure that you make as much money as possible from your traffic. Sometimes we cannot monetize some of your traffic due to its country of origin, trademark concerns, or other legal issues. As a result, we have processes in place so that immediately upon determining that we cannot monetize some of your traffic we redirect that specific traffic to whatever URL you provide.

To specify an alternate traffic destination for all your domains, please visit the [account settings](#) area.

[Save Changes](#)

Note: Inserting (DOMAIN) into your URL will replace (DOMAIN) with the current domain name.

Title Tag

Please enter a short title for this domain's parked page. If blank, we use the domain name.

Lexipro Information

[Save Changes](#)

Domain For Sale

Please enter a message, url, and press Save Changes below to create a for sale message.

To make sure this domain never gets marked for sale, select "NEVER mark lexipro.com For Sale" below and press Save Changes.

The For Sale message for lexipro.com will be in the following format:

[For Sale Message] Please contact us for more information.

NEVER mark lexipro.com For Sale

For Sale

Message:

(limit 50 letters)

For Sale URL:

(http://, https://, or mailto:)

[Save Changes](#)

Meta Tags

Please enter any meta tags you want on this domain's parked page below.
If blank, we dynamically fill it with keywords.

Description:

Keywords:

[Save Changes](#)

[Terms of Service & Privacy Policy](#)

[Careers](#)

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EX. C

lexipro.com

Search the Web:

Depression

Lexapro

Anxiety Attack

Panic Disorder

Anxiety

Lexapro Medication

Manic Depression

Sponsored Results for Lexapro

Lexapro™ - Official Site

Get More Information on **Lexapro** and Depression with Our Online Guides.
www.Lexapro.com

The Road Back - How to Get off Lexapro

If you are suffering from drug side effects, there is a solution.
www.theroadback.org

Buy Lexapro Online

Get Rx medications at Wholesale Prices From Our Licensed Online Canadian Pharmacy and Save Over 70%.
www.canadianpharmacymeds.com

Lexapro - Money Back Guarantee

Lexapro 20mg 90 \$121. Free Shipping.
www.CanPharm.com

Buy Lexapro Now. Free Shipping

Please compare our brand and generic prices all with free shipping.
www.planetdrugsdirect.com

Lexapro - Better Price Guaranteed

We will give you a lower price, guaranteed. Fast delivery guaranteed. Open 7 days.
Order online or toll-free. Fully licensed Canadian pharmacy.
www.GetCanadianDrugs.com

Lexapro - Lowest Price Guarantee

We will match any competitor's price - guaranteed. Over 500,000 customers. Quality medications from a licensed pharmacy. A top Canadian pharmacy (rated by Alexa).
www.CanadaPharmacy.com

Lexapro 10mg 90 \$99

Customer Satisfaction Guaranteed! Free Shipping Over \$100.
www.CanadaMedicineShop.com

Buy Lexapro - Wholesale Prices

Buy **Lexapro** - We Will Beat All Competitors' Prices on All Prescription Drugs. We Guarantee Low Prices and Fast Delivery.
www.CanadaDrugPharmacy.com

OCD Information

Ask Question & Get Answers About Mental Conditions & Treatment.
RevolutionHealth.com

**Related Searches**

- [Depression](#)
- [Lexapro](#)
- [Anxiety Attack](#)
- [Panic Disorder](#)
- [Anxiety](#)
- [Lexapro Medication](#)
- [Manic Depression](#)
- [Depression Treatment](#)
- [Depression Symptoms](#)
- [Clinical Depression](#)
- [Postpartum Depression](#)
- [Anxiety Depression](#)
- [Depression Information](#)
- [Depression Medication](#)
- [Depression And Anxiety](#)

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EXHIBIT L

LAW OFFICES OF CHRISTOPHER SERBAGI

ATTORNEYS AT LAW

488 MADISON AVENUE

SUITE 1120

NEW YORK, NEW YORK 10022

(212) 593-2112

FACSIMILE: (212) 308-8582

c.serbagi@att.net

August 14, 2007

Via Federal Express and Electronic Mail

Parked.com

5505 W. Gray Street

Tampa, Florida 33609-1007

Re: Parked.Com's Improper Use of the Domain Name "lexipro.com"

Dear Sir or Madame:

This firm is intellectual property and litigation counsel to Forest Laboratories, Inc. ("Forest"). As you may know, Forest manufactures, markets, and sells a variety of prescription medicines for a variety of conditions throughout the United States. It has come to our attention that Parked.Com ("Parked") has employed the domain name "lexipro.com" on its hosting servers and re-directed those interested in Forest's LEXAPRO drug to on-line pharmacies and to others who are not associated or sponsored by Forest. For the reasons discussed below, we demand that Parked immediately remove the domain name "lexipro.com" and any derivation or similar name from its hosting servers.

Forest has made uninterrupted and continuous use of the mark LEXAPRO since 2002 and owns a federal trademark registration for the mark for "pharmaceutical preparations, namely antidepressants" (Reg. No. 2,684,432). Forest filed an intent-to use application for the mark LEXAPRO on December 22, 2000, which means that Forest is entitled to presumptive use from that date forward. Forest's rights to the LEXAPRO mark are longstanding, strong and incontestable pursuant to 15 U.S.C. § 1065. Indeed, Forest's LEXAPRO mark has become "famous" and is therefore entitled to an elevated degree of protection.

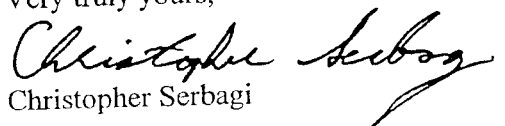
Our research reveals that Parked has provided its services to Leif Nissen in connection with his improper use of "lexipro.com." We understand that Mr. Nissen has made no legitimate use of this site and has employed Parked to pay him for those who click on advertisements that Parked directs. This mutual commercial arrangement is entirely improper and is in violation of numerous state and federal laws because, inter alia, it causes consumer confusion in the marketplace and directs consumers to sites that are not only unauthorized by Forest, but who compete with Forest and are making

CHRISTOPHER SERBAGI, ESQ.

unauthorized sales of LEXAPRO from foreign countries. Parked has obviously financially benefited from this arrangement at Forest's expense.

We have contacted Mr. Nissen and he has refused to cease his use of the "lexipro.com" domain name and has refused to direct Parked to do the same. This unauthorized use has left Forest with no option but to pursue its legal remedies as provided at law, including treble damages and attorney's fees. If Parked would like to resolve this matter without litigation, it must immediately remove "lexipro.com" from its servers and discontinue any relationship with Mr. Nissen in connection with that name. If we do not hear from you within five business days from the date of this letter, Forest will pursue all appropriate legal remedies.

Very truly yours,


Christopher Serbagi

Accepted and Acknowledged

Parked.Com

By: _____
Name:

Title:

EXHIBIT M

Fri, Aug 17, 2007 5:46 PM

Subject: Trouble Ticket #14452 Has Been Responded To

Date: Tuesday, August 14, 2007 8:51 PM

From: parked.com Trouble Ticket System <partnersupport@parked.com>

Reply-To: <partnersupport@parked.com>

To: <c.serbagi@att.net>

Conversation: Trouble Ticket #14452 Has Been Responded To

Thank you for using the parked.com Trouble Ticket System. The following response is from a qualified parked.com customer support team member:

Date: 08/14/07 07:50pm
From: donny

Christopher Serbagi,
We have banned the domain lexipro.com from our system.

Donny Simonton
Parked.com

Thank you again for using parked.com. We hope this response has sufficiently answered your question.

Please feel free to use the frequently asked questions page at <http://www.parked.com/account/help/faq/> to find the answer to your questions.

EXHIBIT N

Fri, Aug 17, 2007 5:48 PM

Subject: FW: CEASE AND DESIST
Date: Wednesday, August 15, 2007 2:32 PM
From: Agovino, Eric <Eric.Agovino@frx.com>
To: Christopher Serbagi <c.serbagi@earthlink.net>
Conversation: CEASE AND DESIST

From: nissen.leif@gmail.com [mailto:nissen.leif@gmail.com] **On Behalf Of** Leif Nissen
Sent: Tuesday, August 14, 2007 9:08 PM
To: Agovino, Eric
Subject: Re: CEASE AND DESIST

Well, you've gotten parked.com <<http://parked.com>> to stop running ads on the site. Being that you're being so reasonable, maybe I'll sell it to a webmaster in Pakistan who will put a porn site on it. Let's start being reasonable here before I do something stupid. There are 10+ domain parking companies so we can keep going that route before I get so upset I sell it offshore if that's really the tactic you want to take.

Leif

On 8/1/07, **Leif Nissen** <leif@properhosting.com> wrote:
Eric,

I had this domain before the product Lexapro.com <<http://lexapro.com/>> even existed. I chose to take down the site later and put it up on a parked.com <<http://parked.com/>> account. They choose what ads show up on the site. I have also had recent interest from other companies, some offshore to purchase the domain from me.

I do, however, understand your situation and I'm willing to sell you the domain for \$10,000.

Leif

On 8/1/07, **Agovino, Eric** <Eric.Agovino@frx.com
<mailto:Eric.Agovino@frx.com> > wrote:

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Attached is a cease and desist letter relating to the domain name
WWW.LEXIPRO.COM <<http://www.lexipro.com/>> from Dr. Charles Ryan, Chief
Intellectual Property Counsel at Forest Laboratories, Inc.

Sincerely,

Eric M. Agovino
Patent Counsel
Forest Laboratories, Inc.
909 Third Avenue
New York, New York 10022
212.224.6925 (p)

212.750.9152 (f)

eric.agovino@frx.com <mailto:eric.agovino@frx.com>

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